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10/075,471	02/13/2002	Jeffrey M. Ayars	109905-129462	7533

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EXAMINER

KLIMACH, PAULA W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/075,471	AYARS ET AL.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/10/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 03/13/06. The amendment filed on 03/13/06 have been entered and made of record. Therefore, presently pending claims are 1-33.

### ***Response to Arguments***

Applicant's arguments filed 03/13/06 have been fully considered.

Applicant argued PM 103 cannot be said to teach or suggest recovery of digital content, as the term digital content is defined for the preset application. This is found persuasive. The new grounds of rejection will teach the missing limitation.

Applicant argued nowhere can Applicants find any description in Horstman teaching that PM 103 is a tamper resistant module. This is not found persuasive. The applicant further mentions that a tamper resistant understood by those of ordinary skill in the art, is a module having tamper resistant measures applied to the module to reduce the likelihood the module can be tampered with. The Protection module of Hortmann is a tamper resistant module by calculating a checksum or cryptographic fingerprint (column 4 lines 10-22). These values are used to determine whether the software is eligible to run. Even if this is not explicitly taught the new grounds of rejection teaches more tamper resistance methods.

Applicant argued that Horstman does not teach plain text digital content, however the section quoted by the examiner discloses the rendering of the plain text digital data.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5-8 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann (6,044,469) in view of the article by M2 Presswire (“AMINO COMMUNICATIONS: Amino launches innovative approach to securing broadband communications; New technology provides digital rights protection for streaming content”) and further in view of Shear (6, 157, 721).

*In reference to claims 1 and 29* Horstmann discloses a software publisher or distributor configurable software security mechanism (title). The apparatus disclosed by Hortmann is a tamper resistant digital content recovery module wherein the tamper resistance is provided by the protection wrapper, which runs code that performs the protection options, selected by the publisher (column 5 lines 2-30). The system of Hortmann discloses a plurality of plain text digital content rendering modules communicately coupled with each other in a hierarchical manner forming a hierarchy of modules (column 5 lines 54-59), with selective combinations of which to be selectively employed to render the recovered digital contents of corresponding types (column 6 lines 10-21), including one of the plain text digital content rendering modules occupying a root position (part 100 Fig. 5) of the hierarchy to exclusively receive the recovered digital contents to be rendered, of all types, from the tamper resistant digital content recovery module (column 6 lines 10-26). The system of Horstman includes one or more storage units to

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store said tamper resistant module and said plurality of plain text digital content rendering modules (column 6 lines 5-10); and a processor coupled with the one or more storage units to execute the tamper resistant module and the plurality of plain text digital content rendering modules (column 6 lines 6-22).

Although Horstman discloses recovering protected digital contents, Horstman does not expressly disclose a system to recover protected digital contents of various types in an obfuscated manner.

The article by the M2 Presswire discloses a system that varies the level of encryption in real time depending upon the type and value of content or transaction. Therefore the system recovers protected digital contents in an obfuscated manner and the digital content is of various types (Full Text paragraphs 2-3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to recover protected digital contents of various types in an obfuscated manner as disclosed by the article by M2 Presswire in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because combining proven techniques minimizes the risk to content dynamically without compromising performance.

Although Horstman discloses rendering plain text, Horstmann does not disclose the digital content as defined by the applicant (multimedia digital content).

Shear discloses a system with tamper resistant work factors to protect itself from load modules (abstract). Shear discloses loading modules for computers and set top boxes and

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therefore the rendering module for multimedia (column 18 lines 45-67). The system of Shear discloses a load module for movies as well as software (column 8 lines 40-56).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the loading module that is tamper resistant as in Shear in the system of Horstmann. One of ordinary skill in the art would have been motivated to do this because defective, bogus and unauthorized computer information can wreak havoc within an electronic system (column 8 lines 14-19).

*In reference to claim 5*, neither Horstmann nor the M2 presswire article disclose a system wherein the hierarchy of modules includes a module occupying a non-leaf position in the hierarchy and a module occupying an immediate downstream position in the hierarchy from the non-leaf plain text digital content rendering module, and the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised.

Shear discloses a system wherein the hierarchy of modules includes a module occupying a non-leaf position in the hierarchy and a module occupying an immediate downstream position in the hierarchy from the non-leaf plain text digital content rendering module, and the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised (column 6 lines 16-33).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the loading module that is tamper resistant as in Shear in the system of Horstmann. One of ordinary skill in the art would have been motivated to do this because defective, bogus and unauthorized computer information can wreak havoc within an electronic system (column 8 lines 14-19).

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*In reference to claim 6*, neither Horstmann nor the M2 presswire disclose a system wherein the non-leaf modules is equipped to verify the immediate downstream module not having been compromised at least during initialization.

Shear discloses a system wherein the non-leaf modules is equipped to verify the immediate downstream module not having been compromised at least during initialization (column 6 lines 16-33).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the loading module that is tamper resistant as in Shear in the system of Horstmann. One of ordinary skill in the art would have been motivated to do this because defective, bogus and unauthorized computer information can wreak havoc within an electronic system (column 8 lines 14-19).

*In reference to claim 7*, neither Horstmann nor the M2 presswire disclose a system wherein the non-leaf modules is equipped to further verify the immediate downstream module remains uncompromised before each transfer of recovered digital content to the immediate downstream module.

Shear discloses a system wherein the non-leaf modules is equipped to further verify the immediate downstream module remains uncompromised before each transfer of recovered digital content to the immediate downstream module.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the loading module that is tamper resistant as in Shear in the system of Horstmann. One of ordinary skill in the art would have been motivated to do this because

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defective, bogus and unauthorized computer information can wreak havoc within an electronic system (column 8 lines 14-19).

*In reference to claim 8*, neither Horstmann nor the M2 presswire disclose a system wherein the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised by verifying a signature of the immediate downstream module.

Shear discloses a system wherein the non-leaf modules is equipped to verify the immediate downstream module as not having been compromised by verifying a signature of the immediate downstream module (column 14 lines 49-60).

**Claims 2-4, 9-28 and 30-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann in view of the article by M2 Presswire and further in view of Shear as applied to claims 1 and 29 above, and further in view of Graunke et al (5, 991, 399).

*In reference to claim 12*, Horstmann discloses a software publisher or distributor configurable software security mechanism (title). The system comprises a root one of a plurality of hierarchically organized plain text digital content rendering modules collectively equipped to render digital contents requesting a tamper resistant digital content recovery module to recover a first protected digital content (column 5 lines 54-59). The tamper resistant digital content recovery module recovering the first protected digital content (part 100 Fig. 5), and transferring the recovered first digital content to said root one of the plurality of hierarchically organized plain text digital content rendering modules (column 6 lines 10-21), and said root one in conjunction with first at least one other one of said plurality of hierarchically organized digital content rendering modules rendering said first digital content (column 6 lines 10-21),



Although Horstman discloses recovering protected digital contents, Horstman does not expressly disclose a system to recover protected digital contents of various types in an obfuscated manner.

The article by the M2 Presswire discloses a system that varies the level of encryption in real time depending upon the type and value of content or transaction. Therefore the system recovers protected digital contents in an obfuscated manner and the digital content is of various types (Full Text paragraphs 2-3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to recover protected digital contents of various types in an obfuscated manner as disclosed by the article by M2 Presswire in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because combining proven techniques minimizes the risk to content dynamically without compromising performance.

Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the module has not been compromised. Although the claim recites, "...rendering modules has not been comprised..." the examiner assumes that the applicant meant compromised. Horstman further does not disclose the root verifying an immediate downstream module is uncompromised before transferring the first digital content to the immediate downstream module to further the rendering of the first digital content.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a

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trust worthy player (software) before providing the user with the key and therefore access to digital content (column 3 line 53 to column 4 line 7). In the case that the player is compromised the player does not have the ability to perform the cryptographic operation (column 4 lines 7-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 18 and 25* Horstmann discloses a software publisher or distributor configurable software security mechanism (title). The apparatus disclosed by Hortmann is a tamper resistant digital content recovery module wherein the tamper resistance is provided by the protection wrapper, which runs code that performs the protection options, selected by the publisher (column 5 lines 2-30). The system of Hortmann discloses a plurality of plain text digital content rendering modules communicately coupled with each other in a hierarchical manner forming a hierarchy of modules (column 5 lines 54-59), with selective combinations of which to be selectively employed to render the recovered digital contents of corresponding types (column 6 lines 10-21), including one of the plain text digital content rendering modules occupying a root position (part 100 Fig. 5) of the hierarchy to exclusively receive the recovered digital contents to be rendered, of all types, from the tamper resistant digital content recovery module (column 6 lines 10-26). The system of Horstman includes one or more storage units to

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store said tamper resistant module and said plurality of plain text digital content rendering modules (column 6 lines 5-10); and a processor coupled with the one or more storage units to execute the tamper resistant module and the plurality of plain text digital content rendering modules (column 6 lines 6-22).

Although Horstman discloses recovering protected digital contents, Horstman does not expressly disclose a system to recover protected digital contents of various types in an obfuscated manner.

The article by the M2 Presswire discloses a system that varies the level of encryption in real time depending upon the type and value of content or transaction. Therefore the system recovers protected digital contents in an obfuscated manner and the digital content is of various types (Full Text paragraphs 2-3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to recover protected digital contents of various types in an obfuscated manner as disclosed by the article by M2 Presswire in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because combining proven techniques minimizes the risk to content dynamically without compromising performance.

Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the module has not been compromised. Horstman further does not disclose the root verifying an immediate downstream module is uncompromised before

transferring the first digital content to the immediate downstream module to further the rendering of the first digital content.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a trust worthy player (software) before providing the user with the key and therefore access to digital content (column 3 line 53 to column 4 line 7). In the case that the player is compromised the player does not have the ability to perform the cryptographic operation (column 4 lines 7-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 2 and 30* Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the module has not been compromised. Horstman further does not disclose the root verifying an immediate downstream module is uncompromised before transferring the first digital content to the immediate downstream module to further the rendering of the first digital content.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a trust worthy player (software) before providing the user with the key and therefore access to digital content (column 3 line 53 to column 4 line 7). In the case that the player is compromised the player does not have the ability to perform the cryptographic operation (column 4 lines 7-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 3 and 19-20* Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the content rendering module.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a trust worthy player (software) before providing the user with the key and therefore access to digital content (column 3 line 53 to column 4 line 7). The system of Graunke includes a tamper resistant module is equipped to verify the plain text digital content rendering module (Fig. 2).

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The verification of the module is in response to request from the tamper resistant module (column 4 lines 5-7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 4, 13-15, 21, 26, and 31* Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the content rendering module.

Grauke discloses a method wherein the tamper resistant module is equipped to verify the plain text digital content rendering module occupying the root position of the hierarchy by verifying a signature of the plain text digital content rendering module occupying the root position.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the

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integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 8, 22, and 32*, wherein the digital content of various types comprises streaming media contents of a plurality of media, and of a plurality of format types.

The article by the M2 Presswire discloses a system that varies the level of encryption in real time depending upon the type and value of content or transaction. Therefore the system recovers protected digital contents in an obfuscated manner and the digital content is of various types (Full Text paragraphs 2-3). The digital content disclosed includes all types of multimedia, for data, video , audio, news feeds and web pages (Full Text paragraphs 2).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to recover protected digital contents of various types in an obfuscated manner as disclosed by the article by M2 Presswire in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because combining proven techniques minimizes the risk to content dynamically without compromising performance.

*In reference to claims 10 and 23* wherein the apparatus is a selected one of a wireless mobile phone, a palm sized personal digital assistant, a notebook computer, a set-top box, a desktop computer, a single processor server, a multi-processor server, and a cluster of coupled systems (column 5 lines 1-7).

*In reference to claims 11 and 24* wherein a first subset of the plain text digital content rendering modules are member modules of a first application domain, and a second subset of the

plain text digital content rendering modules are member modules of a second application domain.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to render modules are member modules of a second application domain. One of ordinary skill in the art would have been motivated to do this because dividing modules by domain is an easy and convenient method of

*In reference to claim 33* wherein the recordable medium is a selected one of a magnetically recordable medium and an optically recordable medium.

*In reference to claims 16 and 28* wherein the method further comprises the root one of the plurality of hierarchically organized plain text digital content rendering modules requesting the tamper resistant digital content recovery module to recover a second protected digital content of the same first type; the tamper resistant digital content recovery module verifying that said root one of the plurality of hierarchically organized plain text digital content rendering modules has not been comprised; the tamper resistant digital content recovery module recovering the second protected digital content in an obfuscated manner, and transferring the recovered second digital content to said root one of the plurality of hierarchically organized plain text digital content rendering modules; and said root one in conjunction with the same first at least one other one of said plurality of hierarchically organized digital content rendering modules rendering said second digital content, with each of said root and same non-leaf ones, if any, of said first at least one other one of said plurality of hierarchically organized digital content rendering modules verifying an immediate downstream module is uncompromised before transferring the second



digital content to the immediate downstream module to further the rendering of the second digital content.

Horstman discloses a system with the root one of the plurality of hierarchically organized plain text digital content rendering modules requesting the tamper resistant digital content recovery module (Fig. 5). The system is used to recover digital content and therefore recovers a second protected digital content of the same first type. The tamper resistant digital content recovery module recovering the second protected digital content in an obfuscated manner, and transferring the recovered second digital content to said root one of the plurality of hierarchically organized plain text digital content rendering modules (column 6 lines 10-22). Wherein the protected digital content is transferred to protector, which then runs the code selected using the software protection parameters.

Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the module has not been compromised. Horstman further does not disclose the root verifying an immediate downstream module is uncompromised before transferring the first digital content to the immediate downstream module to further the rendering of the first digital content.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a trust worthy player (software) before providing the user with the key and therefore access to

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digital content (column 3 line 53 to column 4 line 7). In the case that the player is compromised the player does not have the ability to perform the cryptographic operation (column 4 lines 7-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke in the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

*In reference to claims 17 and 27 wherein the method further comprises the root one of the plurality of hierarchically organized plain text digital content rendering modules requesting the tamper resistant digital content recovery module to recover a second protected digital content of the same first type; the tamper resistant digital content recovery module verifying that said root one of the plurality of hierarchically organized plain text digital content rendering modules has not been comprised; the tamper resistant digital content recovery module recovering the second protected digital content in an obfuscated manner, and transferring the recovered second digital content to said root one of the plurality of hierarchically organized plain text digital content rendering modules; and said root one in conjunction with the same first at least one other one of said plurality of hierarchically organized digital content rendering modules rendering said second digital content, with each of said root and same non-leaf ones, if any, of said first at least one other one of said plurality of hierarchically organized digital content rendering modules verifying an immediate downstream module is uncompromised before transferring the second*

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digital content to the immediate downstream module to further the rendering of the second digital content.

Horstman discloses a system with the root one of the plurality of hierarchically organized plain text digital content rendering modules requesting the tamper resistant digital content recovery module (Fig. 5). The system is used to recover digital content and therefore recovers a second protected digital content of the same first type. The tamper resistant digital content recovery module recovering the second protected digital content in an obfuscated manner, and transferring the recovered second digital content to said root one of the plurality of hierarchically organized plain text digital content rendering modules (column 6 lines 10-22). Wherein the protected digital content is transferred to protector, which then runs the code selected using the software protection parameters.

Horstman discloses the tamper resistant digital content recovery module with a root one of the plurality of hierarchically organized plain text digital content rendering module; however Horstman does not disclose verifying the module has not been compromised. Horstman further does not disclose the root verifying an immediate downstream module is uncompromised before transferring the first digital content to the immediate downstream module to further the rendering of the first digital content.

Grauke discloses a method for securely distributing a conditional use private key to a trusted entity on a remote system (abstract). The system of Graunke determines if the system is a trust worthy player (software) before providing the user with the key and therefore access to

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digital content (column 3 line 53 to column 4 line 7). In the case that the player is compromised the player does not have the ability to perform the cryptographic operation (column 4 lines 7-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the check for a trusted (compromised integrity) player and not allow access to digital content based on the verification of the software (module) as in Graunke of the root module and the leaf modules of the system of Horstman. One of ordinary skill in the art would have been motivated to do this because the integrity of the trusted player is correlated to its ability to perform a cryptographic operation using an asymmetric key pair in a manner that is tamper resistant thereby preventing an unencrypted copy of digital content to be made (abstract).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK  
Monday, June 12, 2006

  
HOSUK SONG  
PRIMARY EXAMINER